IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA STATESBORO DIVISION

COREY THOMAS,

Petitioner.

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CIVIL ACTION NO.: CV613-012

DARRELL HART, Warden,

Respondent.

ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Petitioner Corey Thomas ("Thomas") contends that, though his habeas corpus petition was filed untimely, he is entitled to equitable tolling of the statute of limitations. Thomas asserts that his appellate counsel should have informed him of the statute of limitations period applicable to the filing of a federal habeas corpus petition. Thomas also asserts circumstances beyond his control existed which prevented him from filing a timely petition.

Thomas' Objections are without merit and are overruled. Thomas has not presented any extraordinary circumstances warranting the equitable tolling of the applicable statute of limitations. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Respondent's Motion to Dismiss is **GRANTED**.

Thomas' Motion to Dismiss is **DENIED**. Thomas' petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254, is **DISMISSED**, with prejudice, as it was not filed timely. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 6 day of 6 da

B. AVÁNT EDENFIELD, JEDGE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF GEORGIA